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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

DOUGLAS LARGAESPADA,
a/k/a "Droopy,"

Defendant.

No. 3-08-70400 MEJ

STIPULATION AND [PROPOSED]
ORDER DOCUMENTING WAIVER

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of August 7, 2008, setting a new preliminary hearing date on September 5, 2008, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act from the date of this stipulation, August 5, 2008, to September 5, 2008. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Douglas Largaespada, was charged in a complaint dated July 2, 2008 with one count of assault with a dangerous weapon in aid of racketeering, in violation of 18

1 U.S.C. §§ 1959(a)(3) and 2, and one count of attempted murder in aid of racketeering, in
2 violation of 18 U.S.C. §§ 1959(a)(5) and 2. Largaespada was transferred into federal custody on
3 July 3, 2008, and presented to Magistrate Judge Maria-Elena James on that day. On July 8, 2008,
4 Largaespada appeared before Magistrate Judge Vadas and Gail Shifman, Esq., was appointed to
5 represent him. Magistrate Judge Vadas also scheduled a detention hearing for July 15, 2008.
6 The defendant remained detained pending further proceedings.

7 2. Following the appointment of Ms. Shifman on July 8, 2008, the parties conferred
8 regarding possible dispositions of this matter. Ms. Shifman, however, subsequently withdrew as
9 counsel for the defendant, and on July 23, 2008, Magistrate Judge James appointed Erik
10 Babcock, Esq., to represent the defendant.

11 3. Since Mr. Babcock's entry into this matter, the parties have be engaged in
12 discussions regarding this matter. These discussions are continuing, and, as a result, the parties
13 have asked the Court to extend the preliminary hearing date to September 5, 2008, pursuant to
14 Federal Rule of Criminal Procedure 5.1, and excluding the time under the Speedy Trial Act, 18
15 U.S.C. § 3161.

16 4. Taking into the account the public interest in the prompt disposition of criminal
17 cases, the above-stated ground is good cause for extending the time limit for a preliminary
18 hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment, and
19 for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny the
20 defense time for effective preparation and for seeking disposition of this matter on agreed-upon
21 terms.

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5. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the August 7, 2008 preliminary hearing date and extends the time for a preliminary hearing until September 5, 2008, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period from August 5, 2008 to September 5, 2008 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

STIPULATED:

DATED: August 5, 2008

/s/
ERIK BABCOCK, ESQ.
Attorney for DOUGLAS LARGAESPADA

DATED: August 5, 2008

/s/
W.S. WILSON LEUNG
Assistant United States Attorney

IT IS SO ORDERED.

DATED: August ____, 2008

HON. BERNARD ZIMMERMAN
United States Magistrate Judge